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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,079	01/24/2002	Yousef Georges Aouad	7696M	1658

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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

EINSMANN, MARGARET V

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/048,079

Applicant(s)

AQUAD ET AL.

Examiner

Margaret Einsmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-15, drawn to a process for preparing a surfactant paste.

Group II, claim(s) 16, drawn to for drying detergent ingredients.

Group III, claim(s) 17, drawn to a process for converting a Newtonian liquid into a non-Newtonian liquid.

Group IV, claim(s) 18, drawn to a process of converting non-Newtonian liquids into Newtonian liquids.

Group V, claim(s) 19, drawn to a process for preparing anhydrous agglomerates.

The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The general problem being solved by the inventions is the drying of compositions under vacuum using an evaporative process. The inventive concept is known from the article "Applications for ATFE's- drying and concentration" (The Chemical Engineer, 15 November 1990, pages 33-38) which discloses Agitated Thin Film Evaporators for drying materials. No further common technical feature is involved in the technical

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relationship between the inventions under PCT Rule 13.2. Since the concept is not novel, the five inventions are not so linked as to form a single general inventive concept as required by PCT Rule 13.1. Accordingly the inventions lack Unity of Invention.

During a telephone conversation with Jerry Yetter on September 17, 2003 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 16-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: ***

In claim 1 line 6. There is no antecedent basis in the specification for the water content of the aqueous surfactant mixture. See p 7 lines 17-18.

In claims 2 and 5 line 2. There is no antecedent basis in the specification for the percentage of other additives.

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In claims 3 and 10. There is no antecedent basis in the specification for the evaporative column.

In claim 4. There is no antecedent basis in the specification for the claimed additive.

In claims 6 and 12. . There is no antecedent basis in the specification for the particular solvents as claimed.

In claim 8. There is no antecedent basis in the specification for the percentage range of water as claimed on line 8.

In claim 9. There is no antecedent basis in the specification for the percentage of water as claimed on lines 4 and 5.

In claim 11. There is no antecedent basis in the specification for the list of sulfonic acid surfactants as claimed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for processes as claimed where the drying takes place in an Agitated Thin Film Evaporator, does not reasonably provide enablement for the process as claimed wherein any vacuum process is used for drying the surfactant mixture. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate

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in scope with these claims. While the specification states that the drying can be performed in any evaporator under vacuum, the specification does not teach any other way than by the use of an Agitated Thin Film Evaporator. The specification on page 7 lines 1-6 discloses that one may use evaporators illustrated in Perry's Chemical Engineering Handbook. However, the use of an evaporator is essential to the claimed invention. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Claims 1-15 are allowable over the art of record. The prior art discloses solvent-based surfactant pastes comprising anionic sulfonated surfactants and organic solvents. The compositions are not formed by the process as claimed.

WO-A-98/00518 teaches a process for preparing non-aqueous surfactant compositions by forming a liquid base, providing hydrated particles which are dried and combining the dried particles with the organic solvent. Applicant combines the anionic

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surfactant with an organic solvent and chelant wherein the mixture has a water content of 5-50% and then dries the mixture under vacuum to form a Newtonian fluid.

US 5,814,592 teaches the formation of a non-aqueous organic solvent-containing anionic surfactant composition by drying linear alkyl benzene sulfonate into a two phase powder by drying in a drum dryer with sodium sulfate and a hydrotrope and then adding to a mixture of butoxy-propoxy-propanol and an ethoxylated alcohol nonionic surfactant, mixed and then molecular sieves are added, mixed again. They are mixed under nitrogen and the molecular sieves are removed. In this instance the water is removed from the particles before the organic solvent is added, and vacuum evaporation is not utilized as in applicant's claimed process.

WO-A-98/00516 teaches a process wherein an aqueous slurry of linear alkyl benzene sulfonate and a diluent salt is dried in a conventional drying method, converted to flakes or powder and then combined with no-aqueous organic solvents. In this process the solvent is added after the LAS is dried. No mention is made of an evaporative vacuum process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 703-308-3826. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Margaret Einsmann
Primary Examiner
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September 29, 2003